

## Calendar No. 429

104TH CONGRESS  
2D SESSION

# H. R. 3235

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 1996

Received

JUNE 7, 1996

Read twice and placed on the calendar

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## AN ACT

To amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Office of Government  
3 Ethics Authorization Act of 1996”.

4 **SEC. 2. GIFT ACCEPTANCE AUTHORITY.**

5 Section 403 of the Ethics in Government Act of 1978  
6 (5 U.S.C. App. 5) is amended—

7 (1) by inserting “(a)” before “Upon the re-  
8 quest”; and

9 (2) by adding at the end the following:

10 “(b)(1) The Director is authorized to accept and uti-  
11 lize on behalf of the United States, any gift, donation, be-  
12 quest, or devise of money, use of facilities, personal prop-  
13 erty, or services for the purpose of aiding or facilitating  
14 the work of the Office of Government Ethics.

15 “(2) No gift may be accepted—

16 “(A) that attaches conditions inconsistent with  
17 applicable laws or regulations; or

18 “(B) that is conditioned upon or will require  
19 the expenditure of appropriated funds that are not  
20 available to the Office of Government Ethics.

21 “(3) The Director shall establish written rules setting  
22 forth the criteria to be used in determining whether the  
23 acceptance of contributions of money, services, use of fa-  
24 cilities, or personal property under this subsection would  
25 reflect unfavorably upon the ability of the Office of Gov-  
26 ernment Ethics, or any employee of such Office, to carry

1 out its responsibilities or official duties in a fair and objec-  
 2 tive manner, or would compromise the integrity or the ap-  
 3 pearance of the integrity of its programs or any official  
 4 involved in those programs.”.

5 **SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIA-**  
 6 **TIONS.**

7 The text of section 405 of the Ethics in Government  
 8 Act of 1978 (5 U.S.C. App. 5) is amended to read as fol-  
 9 lows: “There are authorized to be appropriated to carry  
 10 out this title such sums as may be necessary for each of  
 11 fiscal years 1997 through 1999.”.

12 **SEC. 4. REPEAL AND CONFORMING AMENDMENTS.**

13 (a) REPEAL OF DISPLAY REQUIREMENT.—The Act  
 14 entitled “An Act to provide for the display of the Code  
 15 of Ethics for Government Service,” approved July 3, 1980  
 16 (5 U.S.C. 7301 note), is repealed.

17 (b) CONFORMING AMENDMENTS.—

18 (1) FDIA.—Section 12(f)(3) of the Federal De-  
 19 posit Insurance Act (12 U.S.C. 1822(f)(3)) is  
 20 amended by striking “, with the concurrence of the  
 21 Office of Government Ethics,”.

22 (2) ETHICS IN GOVERNMENT ACT OF 1978.—(A)  
 23 The heading for section 401 of the Ethics in Gov-  
 24 ernment Act of 1978 is amended to read as follows:

1 “ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.

2 (B) Section 408 of such Act is amended by  
3 striking “March 31” and inserting “April 30”.

4 **SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.**

5 Section 207(j) of title 18, United States Code, is  
6 amended by adding at the end the following new para-  
7 graph:

8 “(7) POLITICAL PARTIES AND CAMPAIGN COM-  
9 MITTEES.—(A) Except as provided in subparagraph  
10 (B), the restrictions contained in subsections (c),  
11 (d), and (e) shall not apply to a communication or  
12 appearance made solely on behalf of a candidate in  
13 his or her capacity as a candidate, an authorized  
14 committee, a national committee, a national Federal  
15 campaign committee, a State committee, or a politi-  
16 cal party.

17 “(B) Subparagraph (A) shall not apply to—

18 “(i) any communication to, or appearance  
19 before, the Federal Election Commission by a  
20 former officer or employee of the Federal Elec-  
21 tion Commission; or

22 “(ii) a communication or appearance made  
23 by a person who is subject to the restrictions  
24 contained in subsections (c), (d), or (e) if, at  
25 the time of the communication or appearance,

1 the person is employed by a person or entity  
2 other than—

3 “(I) a candidate, an authorized com-  
4 mittee, a national committee, a national  
5 Federal campaign committee, a State com-  
6 mittee, or a political party; or

7 “(II) a person or entity who rep-  
8 resents, aids, or advises only persons or en-  
9 tities described in subclause (I).

10 “(C) For purposes of this paragraph—

11 “(i) the term ‘candidate’ means any person  
12 who seeks nomination for election, or election,  
13 to Federal or State office or who has authorized  
14 others to explore on his or her behalf the possi-  
15 bility of seeking nomination for election, or elec-  
16 tion, to Federal or State office;

17 “(ii) the term ‘authorized committee’  
18 means any political committee designated in  
19 writing by a candidate as authorized to receive  
20 contributions or make expenditures to promote  
21 the nomination for election, or the election, of  
22 such candidate, or to explore the possibility of  
23 seeking nomination for election, or the election,  
24 of such candidate, except that a political com-  
25 mittee that receives contributions or makes ex-

penditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

“(iii) the term ‘national committee’ means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

“(iv) the term ‘national Federal campaign committee’ means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

“(v) the term ‘State committee’ means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

“(vi) the term ‘political party’ means an association, committee, or organization that nominates a candidate for election to any Fed-

1           eral or State elected office whose name appears  
2           on the election ballot as the candidate of such  
3           association, committee, or organization; and

4                   “(vii) the term ‘State’ means a State of  
5           the United States, the District of Columbia, the  
6           Commonwealth of Puerto Rico, and any terri-  
7           tory or possession of the United States.”.

8   **SEC. 6. PAY LEVEL.**

9           Section 207(c)(2)(A)(ii) of title 18, United States  
10   Code, is amended by striking “level V of the Executive  
11   Schedule,” and inserting “level 5 of the Senior Executive  
12   Service,”.

          Passed the House of Representatives June 4, 1996.

Attest:

ROBIN H. CARLE,

*Clerk.*

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